

Amendments to the Drawings:

The attached drawing sheet includes changes to Figure 1. This sheet replaces the original sheet designated "FIG. 1". On this sheet, the original designation "FIG. 1" has been cancelled, and three new designations (--FIG. 1A--, --FIG. 1B--, and --FIG. 1C--) have been added and placed next to a respective one of the three figures illustrated on that sheet.

Attachments: 1 Replacement Sheet

REMARKS

Claims 1-4 and 9-19 are now pending in the application. Claims 5-8 have been canceled without prejudice or disclaimer. Claims 1-4 have been amended, and new claims 9-19 added, without introduction of new matter. Favorable reconsideration is respectfully requested in view of the above amendments and the following remarks.

The Information Disclosure Statement (IDS) filed on April 19, 2004 was only partially considered on the grounds that the cited foreign patent documents and non-patent literature documents were not submitted with the IDS. The Office's refusal to consider the foreign patent documents and non-patent literature is believed to be in error, however, because, as stated in 37 CFR §1.98(d):

A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

(Emphasis added.)

In this instance, the IDS in question specifically stated, "All of the listed documents were previously made of record in prior Application Serial No. 09/696,242, filed October 26, 2000, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120." Thus, subsection (1) of rule 1.98(d) was complied with.

That subsection (2) of rule 1.98(d) was complied with is evidenced by the fact that the presently non-considered cited references are listed on the face of the patent that issued from Application No. 09/696,242 (i.e., U.S. Patent 6,751,200). Such listing shows the Office's consideration of the references in connection with the parent application, which consideration

would presumably not have occurred had the earlier submission(s) not been in compliance with the rules.

For at least the foregoing reasons, it is believed that the IDS filed on April 19, 2004 was in full compliance with the rules, and that it was unnecessary to submit copies of the foreign patent and non-patent literature. Accordingly, it is respectfully requested that the Office consider these documents now, and return another copy of the April 19, 2004 IDS with the Examiner's initials placed next to these citations as evidence of such consideration.

The drawings are objected to because FIGs. 1A-C as mentioned in the specification (see, e.g., paragraph [0005]) are not labeled in FIG. 1. In response, submitted herewith is an amended copy of the figure, in which the designation "FIG. 1" has been replaced by three designations: --FIG. 1A--, --FIG. 1B--, and --FIG. 1C--, placed next to a respective one of the three figures illustrated on that sheet. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

Claims 1 and 5 were objected to because in each of the claims, in the first step of the body, the word "not" should be changed to "node". In response, claim 1 has been amended as suggested by the Office. The objection to claim 5 has been rendered moot by the cancellation of that claim without prejudice or disclaimer. In view of the foregoing, it is respectfully requested that the objection to claims 1 and 5 be withdrawn.

Applicants have also discovered a typographical error inadvertently introduced into claim 2: In the preamble, the word "discover" should be --discovery--. This amendment has been made as well.

The Office further advised that should claims 5-8 be found allowable, they will be objected to under 37 CFR §1.75 as being substantial duplicates of respective claims 1-4. In response, claims 5-8 have been canceled without prejudice or disclaimer, thereby rendering their rejection moot.

Claims 1-8 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

The rejection of claims 5-8 has been rendered moot by the cancellation of these claims without prejudice or disclaimer. Applicants' basis for traversing the rejection of claims 1-4 is as follows:

In the view of the Office, the word "logic" denotes software modules and does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C

101. Applicant respectfully disagrees, because what is recited in each instance is “logic configured to [perform a defined function].” A software module by itself is not capable of performing any function unless it is installed in a programmable processor. Thus, even if a software-implemented embodiment is considered, the variously defined features are believed to cover one or more program instructions in combination with appropriate hardware for performing the recited function. Moreover, Applicant further believes that the phrase “logic configured to [perform a recited function]” can further denote non-programmable hardware circuitry embodiments.

Nonetheless, in order to expedite favorable prosecution, claims 1-4 have been amended to recite the more conventional phrase “means for [performing a defined function]” instead of “logic configured to [perform a defined function]”. That hardware embodiments are supported by the specification is supported at, for example, paragraph [0060], which explains that the target system of the invention is a digital packet based (wired or wireless) communications system comprising multiple networks. That paragraph further explains functions performed by various elements of the system.

For at least the foregoing reasons, claims 1-4 are believed to define statutory subject matter. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. § 101 be withdrawn.

Claims 1-8 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 5 of U.S. Patent No. 6,751,200.

In response, filed concurrently herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, it is respectfully requested that the rejection of claims 1-4 be withdrawn. (The rejection of claims 5-8 has been rendered moot by the cancellation of these claims.)

New claims 9-19 have been added to the application without introduction of new matter. These claims are apparatus claims comparable to the method claims that issued in connection with this application's parent application (now U.S. Patent 6,751,200), and are therefore supported by the specifications of both the parent and this application.

The application is believed to be in condition for allowance. Prompt notice of same is respectfully requested.

Respectfully submitted,
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